

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF PROPOSED REPEAL
20.9.103, 20.9.106, 20.9.110,	)	
20.9.113, 20.9.115, 20.9.116,	)	NO PUBLIC HEARING
20.9.117, 20.9.120, 20.9.123,	)	CONTEMPLATED
20.9.124, 20.9.128, 20.9.134,	)	
20.9.140 and 20.9.141 pertaining to	)	
youth placement committees	)	

TO: All Concerned Persons

1. On September 7, 2012, the Department of Corrections proposes to repeal the above-stated rules.

2. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Corrections no later than 5:00 p.m. on August 24, 2012, to advise us of the nature of the accommodation that you need. Please contact Linda Zander, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-3930; fax (406) 444-4920; or e-mail Lzander2@mt.gov.

3. The department proposes to repeal the following rules:

20.9.103 DUTIES OF THE YOUTH PLACEMENT COMMITTEE CHAIR

AUTH: 41-5-2006, 53-1-203, MCA

IMP: 41-5-121, 41-5-122, 41-5-123, 41-5-124, 41-5-125, 41-5-130, 41-5-131, 41-5-132, MCA

20.9.106 REFERRALS TO THE COMMITTEE

AUTH: 53-1-203, MCA

IMP: 41-5-121, 41-5-122, 41-5-123, 41-5-124, 41-5-125, MCA

20.9.110 PROCEDURES FOR YOUTH PLACEMENT COMMITTEE MEETINGS

AUTH: 53-1-203, MCA

IMP: 41-5-122, 41-5-123, 41-5-124, 41-5-125, MCA

20.9.113 PLACEMENT RECOMMENDATION PROCEDURES

AUTH: 53-1-203, MCA

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IMP: 41-5-123, 41-5-124, 41-5-125, MCA

20.9.115 CRITERIA FOR APPROVING RECOMMENDATIONS

AUTH: 53-1-203, MCA

IMP: 41-5-123, 41-5-124, 41-5-125, MCA

20.9.116 SIX-MONTH REVIEWS OF YOUTH CONTINUING IN PLACEMENT

AUTH: 53-1-203, MCA

IMP: 41-5-122, MCA

20.9.117 TEMPORARY AND EMERGENCY PLACEMENTS

AUTH: 52-1-103(17), 53-1-203, MCA

IMP: 41-5-124, 41-5-527, 41-5-528, 41-5-529, MCA

20.9.120 RECOMMENDATIONS FOR RESIDENTIAL TREATMENT OR PLACEMENT

AUTH: 53-1-203, MCA

IMP: 41-5-122, 41-5-123, 41-5-124, 41-5-125, MCA

20.9.123 EVALUATION OF JUDICIAL DISTRICTS

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2001, 41-5-2002, 41-5-2003, 41-5-2004, 41-5-2005, 41-5-2006, MCA

20.9.124 ACCESS TO DISTRICT RECORDS

AUTH: 41-5-2006, MCA

IMP: 41-5-215, 41-5-216, 41-5-2003, MCA

20.9.128 REPORT TO THE LEGISLATURE

AUTH: 41-5-2006, MCA

IMP: 41-5-2006, MCA

20.9.134 DISTRIBUTION OF FUNDS TO PARTICIPATING DISTRICT AT THE END OF A FISCAL YEAR

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2003, MCA

20.9.140 DISTRIBUTION OF COST CONTAINMENT FUNDS

MAR Notice No. 20-9-52

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2006, MCA

20.9.141 COST CONTAINMENT REVIEW PANEL

AUTH: 41-5-2006, MCA

IMP: 41-5-132, MCA

STATEMENT OF REASONABLE NECESSITY: When the Montana Legislature enacted Senate Bill 46 in the 2007 session, it changed the statutory scheme for the Juvenile Delinquency Intervention Project, commonly known as JDIP. Most of the duties for which the Department of Corrections was previously responsible, were assumed by the Judicial Branch. Consequently, the administrative rules that governed the department's responsibilities were not necessary. The department proposes to repeal those rules.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Diana Koch, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-9539; fax (406) 444-4920; or e-mail [dkoch@mt.gov](mailto:dkoch@mt.gov), and must be received no later than 5:00 p.m., September 6, 2012.

5. If persons who are directly affected by the proposed actions wish to express their date, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Diana Koch at the above address no later than 5:00 p.m., September 6, 2012.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 50 persons based on the number of judicial districts, the Montana judicial branch's court administration office, and the Department of Corrections.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Myrna Omholt-Mason, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-3911, fax (406) 444-4920, or

e-mail momholt-mason@mt.gov or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been satisfied by contacting Senator Jim Shockley by telephone and e-mail on July 24, 2012.

/s/ Diana L. Koch

Diana L. Koch  
Rule Reviewer

/s/ Mike Ferriter

Mike Ferriter  
Director  
Department of Corrections

Certified to the Secretary of State July 30, 2012.